

Zoning Board of Appeals
Minutes
December 16, 2021

A meeting of the Zoning Board of Appeals (ZBA) was held in person and via the Zoom Web Conferencing Service on December 16, 2021 at 6:30 pm.

Present: Mark Jones, William Byron, Ernest Dodd, David Hartnagel and Andrew DeMore
Associate Members: Leonard Golder and Michael Naill

Absent: Associate Member Ruth Sudduth

The Meeting was called to order at 6:30 pm

84-102 GREAT ROAD DELIBERATIONS (Volume III, Page 853)

Mark Jones reported that Town Counsel advised that it is better to remand the request for a cease-and-desist order for property at 84-102 Great Road back to the Building Commissioner for a formal determination.

Members reviewed the draft Decision.

Leonard Golder noted that the Section 7 Finding references limits on the number of cars related to the Class II licenses. He said those limits could be something to support in a decision.

Karen Kelleher said that determination would be up to the Zoning Enforcement Officer. Leonard Golder agrees.

David Hartnagel asked if there is some standard for the Board's decision and if the Board has some deference to the Zoning Enforcement Officer. Mark Jones said the Board should look at this de novo, based on what was heard at the public hearing.

Members agreed to minor typographical corrections to the draft decision.

For the benefit of those present Mark Jones read the draft conclusion:

"The Board, by unanimous vote of the five members present (Mark Jones, William Byron, Ernest Dodd, David Hartnagel and Associate Member Leonard Golder), voted to remand the request back to the Building Commissioner to make a formal determination on the Applicant's request for a Cease-and-Desist Order.

David Hartnagel moved that the Board remand the request for a cease-and-desist order filed by Mark Forgues for property at 84-102 Great Road back to the Building Inspector. The motion was seconded by Leonard Golder and carried by a vote of 5 in favor (Mark Jones, William Byron, Ernest Dodd, David Hartnagel and Associate Member Leonard Golder).

David Hartnagel moved to adopt the text of the decision to remand the request for a cease-and-desist order on file by Mark Forgues for property at 84-102 Great Road as drafted and amended. The motion was seconded by Ernest Dodd and carried by a vote of 5 in favor (Mark Jones, William Byron, Ernest Dodd, David Hartnagel and Associate Member Leonard Golder).

Adjournment

At 6:42 pm Andrew DeMore moved to adjourn the meeting. The motion was seconded by Leonard Golder and carried by a unanimous roll call vote (Mark Jones, William Byron, Ernest Dodd, David Hartnagel and Associate Members Andrew DeMore, Leonard Golder and Michael Naill).

Respectfully submitted,

Karen Kelleher